

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

STEPHANIE HORTON-BROOMFIELD,)	CAUSE NO. 1:20-cv-01513
)	
Plaintiff,)	
)	
v.)	
)	
WAL-MART STORES, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Thomas L. Davis, counsel for defendant, states:

1. On January 13, 2020, plaintiff filed her Complaint for Damages against defendant Wal-Mart Stores, Inc. in the Howard County Superior Court of Indiana, under Cause No. 32D04-2001-CT-000080.

2. Wal-Mart Stores, Inc. is an improper defendant. The correct defendant is Wal-Mart Stores East, LP.

3. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose sole member is Walmart, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Walmart, Inc., a Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for Walmart, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. Thus, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP is a citizen of Delaware and Arkansas.

4. Plaintiff is citizen of the state of Indiana.

5. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs; this action does not arise under the Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; does not arise under 45 U.S.C. §§ 51-60; and, therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

6. This Notice of Removal is being filed with this Court within 30 days after receipt of information, specifically plaintiff's discovery responses, that this case is now applicable for removal to this Court under 28 U.S.C. § 1446(b)(3).

7. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Howard County Superior Court of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, defendant prays that the entire state court action, under Cause No. 32D04-2001-CT-000080, now pending in the Howard Superior Court of Indiana, be removed to this Court for all further proceedings.

FROST BROWN TODD LLC

By: /s/Thomas L. Davis
Thomas L. Davis, #4423-49
Attorneys for Defendant

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, this 28th day of May, 2020, addressed to:

John F. Townsend, III
Townsend & Townsend, LLP
151 North Delaware Street, Suite 770
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/s/Thomas L. Davis

Thomas L. Davis

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